

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KEVIN JOSEPH SMITH,

Petitioner,

v.

SCOTT FRAKES,

Respondent.

Case No. C10-5921RJB/JRC

ORDER DIRECTING SERVICE AND  
RETURN, § 2254 PETITION

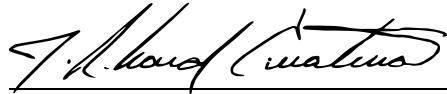
(1) The clerk shall arrange for service by certified mail upon respondent and the Attorney General for the State of Washington, copies of the petition, all documents in support thereof. All costs of service shall be advanced by the United States. The Clerk shall assemble the necessary documents to effect service. In addition, the Clerk shall send petitioner a copy of this Order, along with a copy of the Court's General Order regarding pro se litigation.

(2) Within forty-five (45) days after such service, respondent(s) shall file and serve an answer in accordance with Rule 5 of the Rules Governing § 2254 Cases in United States District Courts. As part of such answer, respondent(s) should state whether petitioner has exhausted available state remedies, whether an evidentiary hearing is necessary, and whether there is any issue of abuse or delay under Rule 9. Respondent shall not file a dispositive motion

1 in place of an answer without first showing cause as to why an answer is inadequate.  
2 Respondent(s) shall file the answer with the Clerk of the Court and serve a copy of the answer  
3 upon petitioner.

4 (3) The answer will be treated in accordance with Local Rule CR 7. Accordingly,  
5 upon receipt of the answer the Clerk will note the matter for consideration on the fourth Friday  
6 after the answer is filed, petitioner may file and serve a response not later than on the Monday  
7 immediately preceding the Friday appointed for consideration of the matter, and respondent may  
8 file and serve a reply brief not later than on the Thursday immediately preceding the Friday  
9 designated for consideration of the matter.

10 DATED this 11th day of January 2011.

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14 J. Richard Creatura  
15 United States Magistrate Judge  
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